

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EAST RIVER CAPITAL, INC. and ERC ACCESS, INC.,

Plaintiffs,

v.

VLD ACCESS, INC., STEPHEN DUNN, ROUTE
CONSULTANT, INC., and RUMMY INC.,

Defendants.

Case No. 19-cv-1398-JPG-GCS

MEMORANDUM AND ORDER

This matter comes before the Court for case management purposes. In December 2019, plaintiffs East River Capital, Inc. and ERC Access, Inc. filed the Complaint to commence this action (Doc. 1). To bring the case in federal court, they relied on diversity subject matter jurisdiction, 28 U.S.C. § 1332(a)(1), which requires that opposing parties not be citizens of the same state. *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806). In their Complaint, the plaintiffs asserted that the parties were completely diverse. They did not, however, plead the citizenships of some of the corporate parties properly; they failed to allege the principal place of business of themselves and of defendant Route Consultant, Inc. The Court noted the pleading defect and allowed the plaintiffs to amend the Complaint to cure it (Doc. 8).

The plaintiffs filed the Amended Complaint (Doc. 9) properly pleading the citizenships of all corporate parties. The proper pleading, however, reveals that the plaintiffs—both citizens of Texas and Illinois—share Illinois citizenship with defendants VLD Access, Inc., Stephen Dunn, and Rummy Inc. Thus, it appears that the plaintiffs and defendants are not completely diverse and that this Court therefore lacks diversity jurisdiction over this case. Accordingly, the Court **ORDERS** the plaintiffs to **SHOW CAUSE** on or before January 21, 2020, why the Court

should not find complete diversity does not exist and should not dismiss this case without prejudice for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(h)(3).

IT IS SO ORDERED.
DATED: January 13, 2020

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE